

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
CITY OF NEW YORK,

Plaintiff,

-against-

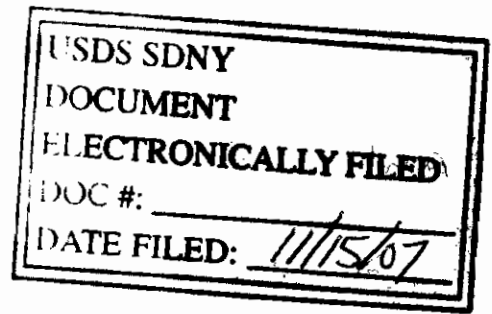
UNITED STATES DEP'T OF JUSTICE,

Defendant.  
----- X

ECF Case

07 Civ. 2240 (PKC)

**STIPULATION OF  
VOLUNTARY DISMISSAL**



WHEREAS, on or about November 9, 2006, plaintiff the City of New York ("plaintiff") submitted a request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 to several United States Attorney's offices seeking certain information (the "November 9, 2006 FOIA request");

WHEREAS, defendant the United States Department of Justice ("defendant") subsequently denied the November 9, 2006 FOIA request;

WHEREAS, on or about March 15, 2007, plaintiff filed the complaint in the above-captioned action against defendant pursuant to FOIA;

WHEREAS, defendant has not yet filed an answer to the complaint; and

WHEREAS, Rule 41(a)(1) of the Federal Rules of Civil Procedure provides that "an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action," Fed. R. Civ. P. 41(a)(1);

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the plaintiff and the defendant that:

1. Any and all of the claims arising out of the November 9, 2006 FOIA request are voluntarily dismissed, with prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, without costs or attorney's fees to any party; and

2. The parties understand and agree that this stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: New York, New York  
November 14, 2007

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Plaintiff

By: 

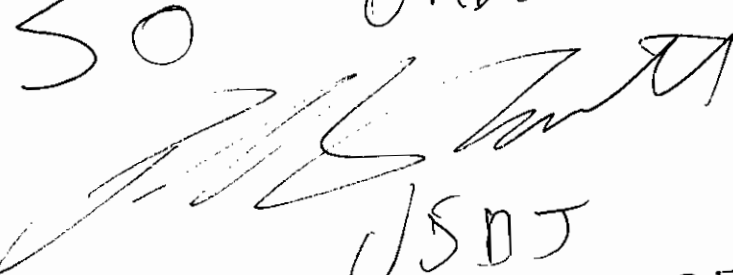
ERIC PROSHANSKY  
Assistant Corporation Counsel  
Affirmative Litigation Division  
100 Church Street  
New York, New York 10007  
Tel.: (212) 788-1324

Dated: New York, New York  
November 14, 2007

MICHAEL J. GARCIA  
United States Attorney for the Southern  
District of New York  
Attorney for Defendant

By: 

NEIL M. CORWIN  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, New York 10007  
Tel: (212) 637-2707

SO ORDERED  
  
USDJ  
11-15-07